

GRANTOR(S):

Merchants & Farmers Bank
P. O. Box 1847
Madison, MS 39130-1847
601/605-4603

GRANTEE(S):

Russell Kyle
917 Ross Road
Olive Branch, MS 38654
901/827-4783

INSTRUMENT PREPARED BY & RETURN TO:

Richard G. Noble, MB #3868
CROSTHWAIT, TERNEY & NOBLE, PLLC
100 Court Street • Post Office Box 29
Indianola, Mississippi 38751
662/887-3412 • 662/887-6661 (fax)
email: ctn@tecinfo.com

ROW695

Russell Kyle
069-0-00-R
102556/201000

PARTIAL RELEASE OF MORTGAGE

FOR VALUE RECEIVED, the undersigned hereby releases from the lien of that certain deed of trust dated June 5, 2003, executed by Russell Kyle in favor of Merchants & Farmers Bank, which said instrument is of record in the office of the Clerk of the Chancery Court of DeSoto County, Mississippi, at Hernando, in Book No. 1742 at Page(s) 79, of the Records of Mortgages and Deeds of Trust on Land, the following described lands on Federal Aid Project No. STP-00029-02(013)102556/20100.

INDEXING INSTRUCTIONS:

NE 1/ 4 of the NE 1/ 4 of Section 32, T-2-S,
R-6-W, Desoto County, Mississippi. (Part of Lot
2, Pickens Place Subdivision)

(Legal description - Exhibit "A" attached hereto.)

ROW695

Russell Kyle
069-0-00-R
102556/201000

The purpose of this instrument being to empower the owner of the legal title to said property to sell, convey and warrant to the Mississippi Transportation Commission of Mississippi, a body corporate by statute, fee simple title for right of way purposes.

Witness the signature of the mortgagee this the 13th day of June, A.D., 2011.

MERCHANTS & FARMERS BANK

BY: J.D. May, Senior Vice President
Authorized Official

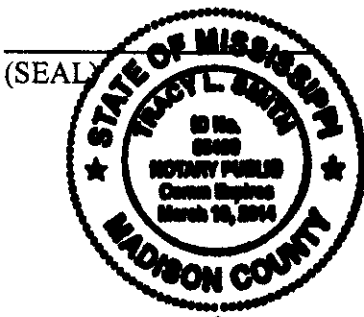
STATE OF MISSISSIPPI

COUNTY OF Madison

Personally appeared before me, the undersigned authority in and for the said county and state, on this 13th day of June, A.D., 2011, within my jurisdiction, the within named J.D. May, who acknowledged that (he)(she) is Senior Vice President of MERCHANTS & FARMERS BANK, a banking corporation, and that for and on behalf of the said corporation, and as its act and deed (he)(she) executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.

Tracy L. Smith
(NOTARY PUBLIC)

My commission expires:



070-1-00-W; 070-1-00-T; 070-0-00-Q; 070-0-01-Q

IN THE SPECIAL COURT OF EMINENT DOMAIN
DESOTO COUNTY, MISSISSIPPI

MISSISSIPPI TRANSPORTATION COMMISSION

PLAINTIFF

VS.

CIVIL ACTION NO. 2712 C1

RUSSELL KYLE, ET AL

DEFENDANTS

EXHIBIT "A"

INDEXING INSTRUCTIONS: NE 1/4 of the NE 1/4 of Section 32, T-2-S, R-6-W, Desoto County, Mississippi.
(Part of Lot 2 of Pickens Place Subdivision)

The following descriptions are based on the Mississippi State Plane Coordinate System, West Zone, NAD 83/93, grid values, using a combined scale factor of .999954285 and a grid to geodetic azimuth angle of (+) 00 degrees 14 minutes 09 seconds developed at the approximate center of Project No. STP-0029-02(013) 102556/201000. It is the intent of this description to convey that portion of the Defendants' property lying within the proposed right-of-way as defined by said project.

PARCEL 1
RIGHT OF WAY

Commencing at a PK nail set near the center of Ross Road, at the northeast corner of Section 32, Township 2 South, Range 6 West, Desoto County, Mississippi said nail having a value of N 1955792.61, E 2442135.66 on the above referenced coordinate system; thence run thence South 89 degrees 51 minutes 56 seconds West a distance of 39.37 feet to a 3/4 inch rebar found on the west right of way line of Ross Road; thence run along the west line of Ross Road, South 00 degrees 27 minutes 30 seconds East a distance of 419.00 feet to a 1/2 inch rebar set at the northeast corner the Defendants property, being also the northeast corner of Lot 2 of Pickens Place Subdivision, as recorded in Book 348, page 527, of the Chancery Clerks Office of Desoto County and being the Point of Beginning of the herein described parcel;

- From said Point of Beginning continue along the west right of way line of Ross Road, South 01 degrees 35 minutes 35 seconds East a distance of 79.20 feet to a PVC fence post found at the southeast corner of the Defendant's property;
- thence along the Defendant's south property line, South 57 degrees 30 minutes 22 seconds West a distance of 52.06 feet to a 1/2 inch rebar set at its intersection with the proposed right of way line of the above referenced project, said point being 80 feet left of the centerline of the realignment of Ross Road;
- thence run along the proposed right of way line, (being 80 feet left of the centerline of the Ross Road realignment) along a non-tangential curve to the left a distance of 105.83 feet, having a radius of 2784.79 feet, and a chord bearing North 00 degrees 20 minutes 47 seconds East for 105.83 feet, also having a delta angle of 2 degrees 10 minutes 39 seconds, to a 3/4 inch rebar found 80 feet left of the Ross Road centerline station 35+98.78;
- thence run North 00 degrees 44 minutes 32 seconds West a distance of 1.40 feet to a 1/2 inch rebar set on the north line of the Defendant's property;

- thence run along the north line of Defendant's property South 89 degrees 52 minutes 47 seconds East a distance of 41.09 feet to the **Point of Beginning**, containing 3935 square feet (0.09 acres), more or less, and situated in the Northeast Quarter of the Northeast Quarter of Section 32, Township 2 South, Range 6 West, Desoto County, Mississippi.

And an easement of use, over, on and across a parcel of land to be used for the purpose of highway construction, said easement being temporary in nature, the use of which is not to extend beyond the completion of the construction of the above mentioned proposed highway project, said easement is hereby designated as **PARCEL 2**.

PARCEL 2
TEMPORARY EASEMENT

Commencing at a PK nail set near the center of Ross Road, at the northeast corner of Section 32, Township 2 South, Range 6 West, Desoto County, Mississippi said nail having a value of N 1955792.61, E 2442135.66 on the above referenced coordinate system; thence South 89 degrees 51 minutes 56 seconds West a distance of 39.37 feet to a 3/4 inch rebar found on the west right of way line of Ross Road; thence run along the west line of Ross Road, South 00 degrees 27 minutes 30 seconds East a distance of 419.00 feet to a 1/2 inch rebar set at the northeast corner the Defendants property, being also the northeast corner of Lot 2 of Pickens Place Subdivision, as recorded in Book 348, page 527, of the Chancery Clerks Office of Desoto County; thence continue along the west right of way line of Ross Road, South 01 degrees 35 minutes 35 seconds East a distance of 79.20 feet to a PVC fence post found at the southeast corner of the Defendant's property; thence along the Defendant's south property line, South 57 degrees 30 minutes 22 seconds West a distance of 52.06 feet to a 1/2 inch rebar set at its intersection with the proposed right of way line of the above referenced project, said point being 80 feet left of the centerline of the realignment of Ross Road and the **Point of Beginning** of the herein described easement;

- From the **Point of Beginning** run thence along the proposed right of way line, (being 80 feet left of the centerline of the Ross Road realignment), along a non-tangential curve to the left a distance of 34.11 feet, having a radius of 2784.79 feet, and a chord bearing North 01 degrees 05 minutes 03 seconds East for 34.11 feet, also having a delta angle of 2 degrees 03 minutes 27 seconds, to a 1/2 inch rebar set 80 feet left of the Ross Road realignment centerline station 35+25;
- thence run North 89 degrees 16 minutes 00 seconds West a distance of 45.00 feet to a 1/2 inch rebar set 125 feet left of the centerline of the Ross Road realignment at station 35+25;
- Thence run South 01 degree 29 minutes 00 seconds West a distance of 64.00 feet to a 1/2 inch rebar set on the Defendant's south property line;
- Thence run along the south line of Defendant's property North 57 degrees 30 minutes 23 seconds East a distance of 54.55 feet to the **Point of Beginning**, containing 2216 square feet, more or less, and situated in the Northeast Quarter of the Northeast Quarter of Section 32, Township 2 South, Range 6 West, Desoto County, Mississippi.

All of the above excepting and excluding therefrom all oil and gas and other minerals which may be produced through a well bore.